

Decision 04-07-019 July 8, 2004

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the causes of recent derailments of Southern Pacific Transportation Company trains, compliance of Southern Pacific with applicable laws, rules and regulations, the existence of any local safety hazards, and recommendations for improvements in state and federal laws or regulations.

Investigation 91-08-029
(Filed August 22, 1991)

O P I N I O N

This matter was initiated a number of years ago. No activity has directly occurred in this docket for several years although the subject matter of this proceeding has been actively litigated in the federal courts.

On May 17, 2004, a ruling was sent to the parties requesting responses to questions regarding whether there was a need for the proceeding to remain open and, if so, what the basis for that need was and what else remained to be done.

The Union Pacific Railroad Company and the Rail Safety Branch of the Commission's Consumer Protection and Safety Division filed comments. No other party filed comments. Both describe the various judicial decisions that have been rendered, including *Union Pacific Railroad Co. v. CPUC*, 109 F. Supp. 2d 1186 (N.D. Cal. 2000) and *Union Pacific Railroad Co. v. CPUC*, 346 F. 3d 851 (9th Cir. 2003) and adoption by the Federal District Court Judge Thelton Henderson of a Stipulated Final Judgment on May 10, 2004.

Both recommend that the proceeding be closed as no further issues are being pursued which require it to remain an open and active docket. Therefore, we will close it.

Assignment of Proceeding

Susan P. Kennedy is the Assigned Commissioner and Philip Weismehl is the assigned Administrative Law Judge in this proceeding.

Finding of Fact

There are no further activities anticipated for which this docket should remain open.

Conclusion of Law

This docket should be closed.

IT IS ORDERED that this Investigation 91-08-029 is closed.

This order is effective today.

Dated July 8, 2004, at San Francisco, California.

MICHAEL R. PEEVEY
President
CARL W. WOOD
LORETTA M. LYNCH
GEOFFREY F. BROWN
SUSAN P. KENNEDY
Commissioners